

OFFICIAL COPY

Fresno, California

June 6, 2000

The City Council met as the Redevelopment Agency at the hour of 8:51 a.m. and later in regular session in the Council Chambers, City Hall, on the day above written.

|          |                 |  |
|----------|-----------------|--|
| Present: | Garry Bredefeld | Acting Council President (Arrived later) |
|          | Chris Mathys    | Councilmember                            |
|          | Henry Perea     | Councilmember (Arrived in the afternoon) |
|          | Sal Quintero    | Councilmember                            |
|          | Ken Steitz      | Councilmember                            |
|          | Dan Ronquillo   | Councilmember                            |
|          | Tom Boyajian    | Council President                        |

Jeff Reid, City Manager  
Daniel Fitzpatrick, Executive Director  
Jess Avila, Assistant City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF MAY 23 AND 30, 2000**

On motion of Member Quintero, seconded by Vice Chair Boyajian, duly carried. RESOLVED, the minutes of May 23 and 30, 2000, approved as submitted.

**(“A”) AGENCY RESOLUTION NO. 1565 - INTENT TO APPROVE A CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO**

Director Fitzpatrick briefly reviewed the staff report as submitted. Upon question of Member Quintero, Mr. Fitzpatrick stated the contract was necessary as the four Agency employees were not eligible to be part of the City’s retirement system.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of Member Steitz, seconded by Member Mathys, duly carried, RESOLVED, the above entitled Resolution No. 1565 hereby adopted; an employee election pursuant to Government Code Section 20469 hereby authorized; the Redevelopment Agency Executive Director authorized to certify compliance with Government Code Section 7507 and to return to the Agency Board after the 20 day period as required by Government Code Section 20471 to adopt the final resolution pursuant to election results; and the Redevelopment Agency authorized to provide retirement benefits in an amount per employee equal to the City’s retirement contribution in addition to any annual increased contribution adjustments adopted by the City for its employees, by the following vote:

Ayes : Boyajian, Mathys, Quintero, Steitz, Ronquillo  
Noes : None  
Absent : Bredefeld, Perea

#### FY 2001 REDEVELOPMENT AGENCY BUDGET

Director Fitzpatrick advised the Agency's budget had been submitted to Council offices and would be scheduled on the agenda in one week.

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The Redevelopment Agency recessed at 8:58 a.m. to 2:00 p.m. for a joint meeting with the City Council, and the City Council convened in regular session at 9:04 a.m.

Reverend Victor Thasiah gave the invocation, and Councilmember Mathys led the Pledge of Allegiance to the Flag

President Boyajian noted the passing of Councilmember Mathys' Grandmother and extended condolences on the City's behalf.

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#### PROCLAMATION OF "FAMILY AWARENESS DAY"

Acting President Bredefeld arrived at 9:08 a.m.

#### PROCLAMATION OF "HOMEOWNERSHIP WEEK"

#### PROCLAMATION OF "CALIFORNIA RAISIN FESTIVAL WEEK" - COUNCILMEMBER STEITZ

The above proclamations were read and presented.

#### (ADD ON) PROCLAMATION OF "FRESNO - ALL AMERICA CITY"

The proclamation was read and presented and a reception was held in celebration of the designation.

#### **RECESS - 9:32 A.M. - 10:01 A.M.**

#### RESOLUTIONS OF COMMENDATION TO TENAYA MIDDLE SCHOOL JAZZ BAND - COUNCILMEMBER MATHYS

Presented.

#### RESOLUTIONS OF COMMENDATION TO BULLARD TALENT SCHOOL EXCELLENCE AWARD

Removed from the agenda.

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**APPROVE COUNCIL MINUTES:**

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of May 23 and 30, 2000, approved as submitted.

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**APPROVE AGENDA:**

**(9:45 A.M.)** APPEARANCE BY RODNEY DeLUCA TO DISCUSS AND REQUEST ACTION REGARDING THE CITY ATTORNEY'S OFFICE RESPONDING TO QUESTIONS ON A LAWSUIT AGAINST THE CITY

Request to appear withdrawn.

**(1A-1)** APPROVE AN AMENDMENT TO THE LEASE AGREEMENT WITH THE FRESNO ART MUSEUM

Removed from the agenda at the request of the museum's director.

**(11:15 A.M.)\*** APPROVE AGREEMENT BETWEEN THE CITY AND COUNTY RELATING TO FUNDING FOR THE RED LIGHT CAMERA ENFORCEMENT PROJECT - ACTING PRESIDENT BREDEFELD

Set for 4:00 p.m this date at the direction of Acting President Bredefeld.

**(1A-20) RESOLUTION - CLARIFYING RESOLUTION NO. 95-77 WHICH ORDERED THE VACATION OF PORTIONS OF DIVISADERO, MERCED, HOWARD, THESTA, VALERIA AND "R" STREETS, THE "Q-R" ALLEY BETWEEN FRESNO AND DIVISADERO, AND ALL THE ALLEYS BETWEEN DIVISADERO AND ILLINOIS FROM CLARK TO FRESNO STREETS**

City Clerk Klisch advised a request had been received by Councilmember Perea to lay the matter over one week as he had received calls of concern and he would not be present for the issue. Discussion ensued with City Manager Reid clarifying issues, urged Council to take action this date, and advised of impacts of further delays, with Councilmember Steitz concurring **(2 - 0)**. The item was subsequently pulled from the Consent Calendar for discussion under contested consent items.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None   |
| Absent | : | Perea  |

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**CONSENT CALENDAR:**

**(1A-23) RESOLUTION - AUTHORIZING LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED - SERIES HUD 2000-A CERTIFICATES (*ADOPTED BELOW WITH THE ENTIRE CONSENT CALENDAR*)**

Economic Development Coordinator Webster advised the matter pertained to the Senior Citizens' Center and the issue of permanent financing would be scheduled before Council on June 14<sup>th</sup>.

**(1A-22) \* RESOLUTION - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO, CALIFORNIA TAXABLE PENSION OBLIGATION BONDS, REFUNDING SERIES A, B, C AND D OF 2000 (AUCTION RATE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT AND EACH OF THE ATTACHED EXHIBITS, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE CONTACTS OF PURCHASE, A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATING THERETO**

City Clerk Klisch noted the issue was supposed to have been scheduled with the budget with City Manager Reid stating there was no reason for it to be part of the budget emphasizing the resolution needed to be acted upon adding it would be risky to hold the matter up. Brief discussion ensued on the intent of the issue/resolution. The item was pulled from the Consent Calendar for discussion under contested consent items.

**ADOPT CONSENT CALENDAR:**

**(1A-2) APPROVE AN AGREEMENT WITH THE FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) FOR THE EXTENSION OF THE CURRENT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND FCEA**

**(1A-3) \* RESOLUTION NO. 2000-167 - 371<sup>ST</sup> AMENDMENT TO MFS RES. 80-420 TO CHANGE THE AUTHORIZED DATES OF ISSUE FOR PERMITS FOR SALE OF SAFE AND SANE FIREWORKS FOR THE 4<sup>TH</sup> OF JULY INDEPENDENCE DAY CELEBRATION**

**(1A-4) \* RESOLUTION NO. 2000-168 - 110<sup>TH</sup> AMENDMENT TO AAR 99-181 INCREASING THE FIRE DEPARTMENT'S FY 2000 BUDGET BY APPROPRIATING \$5,300 OBTAINED FROM REPAIR REIMBURSEMENTS, STATE GRANT AND CHINATOWN JAZZ FESTIVAL FOR UPGRADING/REPLACING FIREFIGHTER EQUIPMENT AND REFURBISHMENT OF FIRE STATION NO. 3**

**(1A-5) RESOLUTION NO. 2000-169 - AWARDING A CONTRACT TO PREUSSAG PIPE REHABILITATION, INC., TO PERFORM PIPE REHABILITATION OF SEWER PIPE IN OLIVE AVENUE FROM SAN PABLO TO GLENN USING PATENTED "RIBLOC EXPANDA PIPE" PROCESS WITHOUT ADVERTISED BIDDING UNDER THE SOLE SOURCE EXCEPTION**

**1. AUTHORIZE THE PURCHASING MANAGER TO ENTER INTO AND EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**(1A-6) RESOLUTION NO. 2000-170 - ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS FOR FISCAL YEAR 2001**

**(1A-8)** APPROVE A COMMERCIAL AVIATION PERMIT TO BE ISSUED BY THE CITY TO CHARLES QUIRING; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

**(1A-9)** APPROVE AMENDMENT NO. 3 TO PARKING MANAGEMENT AGREEMENT WITH APCOA, INC. FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT PARKING; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

**(1A-10) RESOLUTION NO. 2000-171** - AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND AIRPORTS DIRECTOR TO EXECUTE CERTAIN FEDERAL AVIATION ADMINISTRATION (FAA) FORM LEASE AGREEMENTS AND MODIFICATIONS FOR INSTALLATION, OPERATION AND MAINTENANCE OF REQUIRED AIR TRAFFIC CONTROL FACILITIES

**(1A-11)** APPROVE A NEW LEASE AND AGREEMENT WITH MESA AIRLINES, INC.; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SUBJECT LEASE AND AGREEMENT ON BEHALF OF THE CITY

**(1A-13)** AWARD A CONTRACT TO SPINIELLO COMPANIES IN THE AMOUNT OF \$1,525,725 FOR SANITARY SEWER REHABILITATION BY METHOD OF CURED IN PLACE PIPE

**(1A-14)** AWARD A CONTRACT TO D.H. WILLIAMS CONSTRUCTION IN THE AMOUNT OF \$178,700 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATIONS 33A, 86, 96, 108 AND 132

**(1A-15)** AWARD A CONTRACT TO A-C ELECTRIC COMPANY IN THE AMOUNT OF \$163,716 FOR THE INSTALLATION OF LEFT-TURN PHASING AT FRESNO/ASHLAN AND BULLARD/CHESTNUT AVENUES

**(1A-16)** DECLARING IT A MINOR IRREGULARITY THAT PRESTIGE ELECTRIC COMPANY PROVIDED THEIR SUBCONTRACTOR INFORMATION DETAIL AFTER THREE WORKING DAYS FROM THE BID OPENING DATE; AND AWARD A CONTRACT TO PRESTIGE ELECTRIC COMPANY IN THE AMOUNT OF \$169,397 FOR INSTALLATION OF LEFT-TURN PHASING AT ALLUVIAL/FRESNO AND INSTALLATION OF A TRAFFIC SIGNAL AND MINOR STREET IMPROVEMENTS AT ALLUVIAL/MAPLE

**(1A-17)** AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$37,935 FOR INSTALLATION OF A 14" WATER MAIN IN GOLDEN STATE BOULEVARD WEST OF S. CEDAR AVENUE

**(1A-18)** AWARD A CONTRACT TO SCHEIDT, HAYDON & HALL, INC., IN THE AMOUNT OF \$37,977 FOR CONCRETE IMPROVEMENTS IN VARIOUS LOCATIONS IN COUNCIL DISTRICT 6

**(1A-19) RESOLUTION NO. 2000-172** - AUTHORIZING THE CHIEF OF POLICE OR ASSISTANT CHIEF OF POLICE TO SUBMIT AN APPLICATION AND ANY OTHER RELEVANT DOCUMENTATION TO THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO RECEIVE \$196,816 PER YEAR FOR THREE YEARS IN POSITIVE ALTERNATIVE PROGRAMS (PAP) COMPONENT OF THE DELINQUENCY PREVENTION PROGRAM (DPP) GRANT

**(1A-21)** APPROVE AN AGREEMENT WITH THE FRESNO COUNTY SHERIFF'S DEPARTMENT FOR IMPLEMENTATION OF A TRIAL "INMATE LABOR" WORK PROGRAM TO PERFORM ONGOING MAINTENANCE ON PARKS, MEDIAN ISLANDS, AND OTHER CITY PROPERTIES; AND AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES TO EXECUTE THE AGREEMENT FOR THE PROGRAM

**(1A-23) RESOLUTION NO. 2000-173** - AUTHORIZING LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED - SERIES HUD 2000-A CERTIFICATES (RELATING TO THE FMAAA SENIOR CITIZENS' CENTER)

**(1A-24)** AWARD A CONTRACT TO MAULDIN-DORFMEIER IN THE AMOUNT OF \$26,689,000 FOR EXPANSION OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT CONCOURSE

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None   |
| Absent | : | Perea  |

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**(9:15 A.M.)** RECEIVE STATUS REPORT ON THE DOWNTOWN MULTI-PURPOSE STADIUM NEGOTIATIONS - ACTING PRESIDENT BREDEFELD

Acting President Bredefeld gave a brief overview of the issue, stated things were going well, requested an update on the timeline to receive lease documents, and advised representatives of HOK were in attendance.

Agency Director Fitzpatrick gave an update on the various issues including needed documents, process, and timelines for submittal of documents to Council all as outlined in his briefing report as submitted, advised the goal was to have the stadium complete by March 2002, and stated he was pleased with the work of City staff in working with the Agency to complete the project.

Speaking to the issue and/or thanking Council for moving the project forward were: Barbara Hunt, 944 "F" Street; Victoria Gonzales, Downtown Association; and Larry Willey, on behalf of the Chamber of Commerce and Fresno Business Council.

Councilmember Mathys spoke in opposition and expressed his concerns relative to the lease payment, lack of financial documents from the Diamond Group, and competitive bid process. Councilmember Ronquillo briefly left the meeting at 10:33 a.m.

Acting President Bredefeld and President Boyajian spoke in support and thanked Mr. Willey, City Attorney Montoy, Agency Director Fitzpatrick, the Chamber of Commerce, and all others who supported the project over the years, with Acting President Bredefeld adding the City would hold 17 events per year at the stadium emphasizing it would be a community-owned stadium. There was no further discussion.

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(9:30 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 21 (TRACT NO. 4314)

**1. RESOLUTION NO. 2000-174 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 2000-175 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2000-176 - DECLARING ELECTION RESULTS**

**4. \* BILL NO. B-37 - ORDINANCE NO. 2000-40 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 21, CITY OF FRESNO, CALIFORNIA**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Chief of Design Services Valenzuela briefly reviewed the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-174, 2000-175 and 200-176 hereby adopted, and the above entitled Bill No. B-37 adopted as No. 2000-40, by the following vote:

|        |   |                                       |
|--------|---|---------------------------------------|
| Ayes   | : | Bredefeld, Quintero, Steitz, Boyajian |
| Noes   | : | Mathys                                |
| Absent | : | Perea, Ronquillo                      |

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Visiting students and teachers from Sun Empire Elementary School were recognized and welcomed. Councilmember Ronquillo returned to the meeting at 9:42 a.m.

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-00-09 AND ENVIRONMENTAL FINDINGS, FILED BY NEIGHBORHOOD OPPORTUNITIES FOR AFFORDABLE HOUSING (NOAH), PROPERTY LOCATED ON THE WEST SIDE OF N. ELEVENTH STREET BETWEEN E. MCKINLEY AND E. HOME AVENUES

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/CATEGORICAL EXEMPTION NO. R-00-09**

**2. BILL NO. B-38 - ORDINANCE NO. 2000-41 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach briefly reviewed the issue as outlined in the staff report.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-00-09 hereby approved, and the above entitled Bill No. B-38 adopted as Ordinance No. 2000-41, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None   |
| Absent | : | Perea  |

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**(10:05 A.M.)** HEARING ON REZONE APPLICATION NO. R-00-10 AND ENVIRONMENTAL FINDINGS, FILED BY NEIGHBORHOOD OPPORTUNITIES FOR AFFORDABLE HOUSING (NOAH), PROPERTY LOCATED ON THE WEST SIDE OF N. ELEVENTH STREET BETWEEN E. MCKINLEY AND E. HOME AVENUES

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/CATEGORICAL EXEMPTION NO. R-00-10**

**2. BILL NO. B-39 - ORDINANCE NO. 2000-42 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach briefly reviewed the issue as outlined in the staff report. Councilmember Quintero requested staff submit drawings of the homes when they become available.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Categorical Exemption for Environmental Assessment No. R-00-10 hereby approved, and the above entitled Bill No. B-39 adopted as Ordinance No. 2000-42, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None   |
| Absent | : | Perea  |

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**(10:30 A.M.)** TEFRA HEARING AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF CITY OF FRESNO AIRPORT REVENUE BONDS TO PROVIDE FINANCING FOR THE AIRPORT EXPANSION PROJECT

**1. \* RESOLUTION NO. 2000-177 - APPROVING THE ISSUANCE OF CITY OF FRESNO AIRPORT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$45 MILLION FOR THE AIRPORT EXPANSION PROJECT**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Controller Carlton briefly reviewed the issue as outlined in the staff report. City Clerk Klisch advised the item was not asterisked on the agenda but was subject to the Mayor's veto.

Barbara Hunt, 944 "F" Street, spoke to the issue. Acting President Bredefeld briefly left the meeting at 10:46 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above entitled Resolution No. 2000-177 hereby adopted, by the following vote:



|        |   |   |
|--------|---|---|
| Ayes   | : | Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None  |
| Absent | : | Bredefeld, Perea                              |

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**(10:45 A.M.) DIRECT CITY MANAGER TO IDENTIFY FUNDING SOURCE TO COMPLETE ACCESS TO FORKNER PARK FROM VALENTINE TO HERNDON AVENUE - COUNCILMEMBER MATHYS**

Briefly reviewed by Councilmember Mathys who questioned what was required to access Herndon to get to the park off of Valentine, with City Manager Reid stating he would provide cost estimates and a funding source and he would meet with Councilmember Mathys on a proposed alignment to provide for the alternative access.

Rod DeLuca, 3248 W. Alluvial, spoke in support of the issue, stated an alignment was there, and stressed this was a real safety issue and explained.

Brief discussion ensued on a timeline for a report back from staff with Mr. Reid stating a report would be provided within three weeks. There was no further discussion.

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**(5A) DIRECT STAFF AND THE CITY ATTORNEY TO PREPARE A RESOLUTION INITIATING A TEXT AMENDMENT TO AMEND THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL PERMITS (EG. VARIANCE, CONDITIONAL USE PERMITS AND SITE PLAN REVIEW), AND EXPANDING COUNCIL RIGHT TO HEAR PLANNING COMMISSION DECISIONS - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo reviewed the issue stating his intent was to have three Councilmembers make the determination on bringing an issue before Council for a full debate and decision versus just the district representative or the Mayor. Acting President Bredefeld returned to the meeting at 10:58 a.m.

Barbara Hunt, 944 "F" Street, spoke to the issue **(3 - 0)**.

Councilmember Steitz spoke in opposition stating a process was already in place for appeals and this would just add another level of bureaucracy. City Manager Reid stated he had concerns with the current process on whether there was a constitutional issue with just one member being able to bring matters before Council, and stated Councilmember Ronquillo should expand his request beyond just zoning items and move towards a 3-member Council Subcommittee who would have expertise in certain areas and issues and explained. Acting President Bredefeld spoke in support of Councilmember Ronquillo's request.

Upon question of Councilmember Mathys, Councilmember Ronquillo explained the reason for his request and cited examples. Councilmember Mathys stated he would not support the request as it undermined the process stressing Councilmembers were elected to represent a district and other Councilmembers should not get involved in districts outside their own. Acting President Bredefeld stated the planning commission was a very important body and urged Council to look at the Mayor's appointees in the future more seriously and explained. Councilmember Ronquillo emphasized Council's authority should be stronger than the planning commission's and reiterated his proposal would require three members to make the determination for Council to deliberate and make decisions on important issues that affected the entire city. Brief discussion ensued on a Council subcommittee structure and benefits thereof.

A motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, to direct staff and the City Attorney to prepare a resolution initiating a text amendment to the Fresno Municipal Code relating to special permits (e.g. variance, conditional use permits and site plan review), and expand Council's right to hear Planning Commission decisions failed, by the following vote:

|        |   |                                |
|--------|---|--------------------------------|
| Ayes   | : | Bredefeld, Ronquillo, Boyajian |
| Noes   | : | Mathys, Quintero, Steitz       |
| Absent | : | Perea                          |

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**(5B) \* RESOLUTION NO. 2000-178 - 108<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$200 OF DISTRICT 6's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CONTRACT OFFICER COSTS AT THE STAR 101/KSEE 24 ROTARY PLAYLAND BENEFIT CONCERT - ACTING PRESIDENT BREDEFELD**

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-178 hereby adopted, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | None   |
| Absent | : | Perea  |

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**(11:00 A.M.) REJECT ALL BIDS FOR THE FRESNO SURFACE WATER TREATMENT FACILITY  
1. APPEARANCE BY WAYNE MAYE, WALSH PACIFIC CONSTRUCTION, TO PRESENT THEIR POSITION  
RELATIVE TO THE REJECTION OR AWARD OF THE WATER TREATMENT FACILITY PROJECT**

Bob Thoty, representing Walsh Pacific, spoke in opposition to staff's recommendation to reject the bids stating it would affect Fresno's water and cost the city in terms of time, money and credibility and explained.

Water Systems Manager McIntyre concurred the project was necessary, reviewed and displayed a declining water table map on the overhead, stated the recommendation to reject and rebid did involve risk and explained, and clarified there were no guarantees in the process but staff felt the City could end up with better bids by marketing the project.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Mr. Thoty responded to questions of Councilmember Mathys relative to cost increases with a delay by rejecting the bids. Councilmember Mathys stated there was no guarantee lower bids would be received and made a motion to award the contract to Walsh Pacific, the low bidder.

Mr. McIntyre and City Manager Reid responded to questions of Councilmembers Steitz and Bredefeld relative to the process when higher bids are received, affect on the project if it were to be rebid, where the additional \$4 million would come from if awarded to Walsh Pacific, saving the ratepayers an increase in rates by rejecting bids, and the risk of even higher bids coming back if rebid. Acting President Bredefeld offered a second to Councilmember Mathys' motion.

Councilmember Ronquillo spoke in opposition to the water treatment facility stating new development should pay for itself and explained (**4 - 0**). Discussion ensued on the risk involved, lack of guarantees, staff's efforts to do what was best for ratepayers, how the project would be better marketed, timeline on the rebid process, if the facility was necessary for northeast development, critical need for the facility and timeline before problems arise, how the specifications would be revised to reduce costs, and whether or not action could be taken this date to award the bid due to the agenda title to "reject" bids.

A motion of Councilmember Mathys, seconded by Acting President Bredefeld, to direct staff to not reject the bids and proceed with the noticing requirements to award the bid failed, by the following vote:

|        |   |                                       |
|--------|---|---------------------------------------|
| Ayes   | : | Bredefeld, Mathys                     |
| Noes   | : | Quintero, Ronquillo, Steitz, Boyajian |
| Absent | : | Perea                                 |

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the bids received to construct a Surface Water Treatment Facility hereby rejected because they exceeded the funds available by 18%, and staff directed to review the specifications, revise as necessary, and rebid the project with additional marketing efforts and optimum timing to increase the number of bidders, by the following vote:

|        |   |                                       |
|--------|---|---------------------------------------|
| Ayes   | : | Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | Bredefeld, Mathys                     |
| Absent | : | Perea                                 |

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**(11:30 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-7) APPROVE THE FOOD AND BEVERAGE CONCESSION AGREEMENT AT FRESNO CHANDLER DOWNTOWN AIRPORT**

Airports Development Manager Card began a review of the issue whereupon a motion and second was made to approve staff's recommendation. Mr. Card continued stating Chandler Airport was in a growth mode and the selected proposal was determined to be the superior bidder and explained.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; John Smedley, 36216 Blanca, support for the incumbent, Mr. Wang; the selected proposer Patricia Ratliff, Java Hut, 2508 Ventura, who gave an overview of her proposal and stated she was looking forward to operating the restaurant; and Jay Wilkens, 4847 N. Hulbert, support for Mr. Wang.

Mr. Card and Mr. Smedley responded to questions of Councilmember Mathys relative to terms of the lease with Ms. Ratliff, if there was anything Mr. Wang did not agree to, number of years Mr. Wang had been the tenant and if problems had occurred or complaints had been received, and Mr. Wang's overall operation of the restaurant. Councilmember Mathys stated he did not see the motivation or reason to remove a 5-year tenant who had not defaulted or breached his contract and who had agreed to lease terms, and made a motion to approve the agreement with Mr. Wang.

Councilmember Ronquillo stated although this was a difficult decision a fair process had been undertaken to determine what was best for Chandler. President Boyajian spoke in support Mr. Wang's restaurant.

A motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, to approve the Food and Beverage Concession Agreement with Patricia Ratliff, an individual d.b.a. Java Hut Café failed, by the following vote:

|        |   |                              |
|--------|---|------------------------------|
| Ayes   | : | Bredefeld, Ronquillo, Steitz |
| noes   | : | Mathys, Quintero, Boyajian   |
| Absent | : | Perea                        |

A motion of Councilmember Mathys, seconded by Councilmember Quintero, to approve the Food and Beverage Concession Agreement with Henry Wang failed, by the following vote:

|        |   |                              |
|--------|---|------------------------------|
| Ayes   | : | Mathys, Quintero, Boyajian   |
| noes   | : | Bredefeld, Ronquillo, Steitz |
| Absent | : | Perea                        |

By Council consensus, the matter was tabled one week to June 13, 2000, at 3:15 p.m. for a full Council vote.

- - - -

#### **(1A-12) AWARD A REQUIREMENTS CONTRACT FOR 3/4" - 2" WATER METERS**

Acting President Bredefeld left at 12:29 p.m. and returned after the lunch recess. Upon question of Councilmember Mathys, Water Systems Manager McIntyre stated the water meters were required for new development by state law.

On motion of Councilmember Ronquillo, seconded by President Boyajian, duly carried, RESOLVED, a one-year requirements contract hereby awarded to Badger Meter Company in the estimated amount of \$281,013.94 for 3/4" - 2" water meters, by the following vote:

|        |   |                                       |
|--------|---|---------------------------------------|
| Ayes   | : | Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | Mathys                                |
| Absent | : | Bredefeld, Perea                      |

- - - -

#### **LUNCH RECESS - 12:31 P.M. - 2:23 P.M.**

**(1A-20) \* RESOLUTION NO. 2000-179 - CLARIFYING RESOLUTION NO. 95-77 WHICH ORDERED THE VACATION OF PORTIONS OF DIVISADERO, MERCED, HOWARD, THESTA, VALERIA AND "R" STREETS, THE "Q-R" ALLEY BETWEEN FRESNO AND DIVISADERO, AND ALL THE ALLEYS BETWEEN DIVISADERO AND ILLINOIS FROM CLARK TO FRESNO STREETS (RELATED TO THE REGIONAL MEDICAL CENTER PROJECT)**

A motion and second to adopt the resolution was made and later acted upon after lengthy discussion.

(5 - 0) City Manager Reid stated adoption of the resolution would end a stumbling block, allow the Regional Medical Center project to move forward and reviewed the utility relocation issue, and added the goal was to get the City out of the middle of the process and explained.

Speaking to the issue were: Eric Johnson, Pacific Bell, 5555 E. Olive, who spoke in opposition to the resolution stating it was not a clarification but a complete change in the rules; Robert Ward, Senior Vice President/General Counsel for Community Hospitals, who advised they were unaware of any utility issues and read a letter into the record from Community Medical Centers Chairman of the Board relative to their corporate commitment to work with Pacific Bell regarding utility services to the project area; Craig Schmidt, Governmental Relations Manager, PG&E, 650 O Street, who requested Council delay action for two weeks to allow talks on what could be moved and what could be left in place; and Barbara Hunt, 944 "F" Street.

Brief discussion ensued with Councilmember Mathys speaking in support of a two week day, Assistant City Attorney Avila advising he received a request from PG&E to continue the matter for reasons stated by Mr. Schmidt, and Councilmember Ronquillo urging action be taken this date adding negotiations could still continue with all parties.

Mr. Schmidt, Mr. Johnson, Mr. Ward and Mr. Avila responded to questions of Councilmember Quintero relative to their positions, reasons for requesting a delay, and if there could be a liability issue. Brief discussion ensued.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 2000-179 hereby adopted, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Ronquillo, Steitz, Boyajian |
| Noes   | : | Mathys, Quintero                       |
| Absent | : | Perea                                  |

- - - -

**(1A-22) \* RESOLUTION - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO, CALIFORNIA TAXABLE PENSION OBLIGATION BONDS, REFUNDING SERIES A, B, C AND D OF 2000 (AUCTION RATE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT AND EACH OF THE ATTACHED EXHIBITS, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE CONTACTS OF PURCHASE, A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATING THERETO (CONTINUED FROM EARLIER - DISCUSSED AGAIN LATER)**

Mr. Souza responded to numerous questions of Councilmember Mathys on the financing structure and purpose of the refinancing, with Councilmember Mathys stating his concern was that debt was being refinanced to make up for a budget shortfall adding there was nothing wrong with that but it should be made clear to the public.

Mr. Souza and Budget Manager Bruney responded to questions and concerns of Councilmember Steitz relative to staff's experience in municipal financing, benefit of budgeting costs and expenses on a level plane, if the payback period was being extended, net savings to the City, and fiscal impact if the resolution was not adopted. Councilmember Steitz emphasized the bottom line was employee positions would be cut, stated this was a significant issue and a good transaction, and made a motion to adopt the resolution. Mr. Souza and Mr. Bruney responded to questions of

Councilmember Ronquillo relative to yearly debt service on the amount being borrowed, strategy of the transaction, intent of the refinancing, if there were other options to cover the \$4 million gap (**6 - 0**), and difference between FY 2000 and FY 2001's budget. By Council consensus the matter was tabled to later in the meeting for Councilmember Perea's presence.

- - - -

**(2:00 P.M. #3) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council convened in joint session with the Redevelopment Agency at the hour of 3:13 p.m.

CONTINUED HEARING TO CONSIDER FINANCING ALTERNATIVES FOR IMPLEMENTING EXISTING AGREEMENTS BETWEEN THE CITY AND THE GAP, INC., INCLUDING THE FOLLOWING AGREEMENT AND RELATED AGREEMENTS AND DOCUMENTS RELATIVE TO THE PROPOSED DEVELOPMENT OF A DISTRIBUTION CENTER AND OFFICE DEVELOPMENT PROPOSED BY THE GAP, INC., ON 70.25 ACRES OF PROPERTY LOCATED NORTHERLY OF AIRWAYS BOULEVARD EAST OF PEACH AVENUE IN THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT AREA (**COUNCIL AND AGENCY ACTION**)

**1. JOINT RESOLUTION** - APPROVING A FUNDING AGREEMENT (FORMERLY A REIMBURSEMENT AGREEMENT) BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY RELATING TO THE RELOCATION OF A STORM DRAINAGE BASIN AND INSTALLATION OF RELATED OFF-SITE STORM DRAINAGE IMPROVEMENTS NECESSARY FOR THE CONVEYANCE OF CERTAIN PROPERTY FOR THE DEVELOPMENT OF THE DISTRIBUTION AND OFFICE FACILITY, AND MAKING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

President Boyajian announced the time had arrived to consider the issue, opened the continued hearing, and advised the public testimony portion of the hearing held been closed at the previous hearing. Brief discussion ensued on whether to allow additional public testimony or just Council deliberations (with Councilmember Steitz requesting no further public testimony), and on the need to take action this date due to the soon to expire license agreement as verbalized by City Manager Reid, with Mr. Reid and Agency Director Fitzpatrick responding to questions and clarifying issues.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the matter tabled to later in the meeting to allow staff to look into and report back on the expiration date of the license agreement with the Gap, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Bredefeld, Mathys, Quintero, Ronquillo, Boyajian |
| Noes   | : | Steitz   |
| Absent | : | Perea  |

- - - -

**(11:30 A.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. CLAIM OF CHERYL HART V. CITY OF FRESNO
2. CLAIM OF ESSIE THOMPSON

3. CLAIM OF CHARLES LEE
4. CLAIM OF DENNIS LEE
5. CLAIM OF RANDY LEE
6. CLAIM OF EDGAR ANDERSON
7. CLAIM OF L.C. THOMPSON
8. CLAIM OF SHARON ANDERSON

**(B) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957 - COUNCILMEMBER RONQUILLO**

CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA

EMPLOYEE ORGANIZATION: FRESNO FIREFIGHTERS ASSOCIATION LOCAL 753 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS A.F.L.C.I.O.

The Council met in closed session at the hour of 3:25 p.m. in Room 2125 to consider the above issues and reconvened in joint session with the Redevelopment Agency at 4:23 p.m. with Councilmember Perea present.

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**(2:00 P.M. #3) JOINT MEETING WITH THE REDEVELOPMENT AGENCY - CONTINUED HEARING TO CONSIDER FINANCING ALTERNATIVES FOR IMPLEMENTING EXISTING AGREEMENTS BETWEEN THE CITY AND THE GAP, INC., INCLUDING THE FOLLOWING AGREEMENT AND RELATED AGREEMENTS AND DOCUMENTS RELATIVE TO THE PROPOSED DEVELOPMENT OF A DISTRIBUTION CENTER AND OFFICE DEVELOPMENT PROPOSED BY THE GAP, INC., ON 70.25 ACRES OF PROPERTY LOCATED NORTHERLY OF AIRWAYS BOULEVARD EAST OF PEACH AVENUE IN THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT AREA (COUNCIL AND AGENCY ACTION)**

**1. JOINT RESOLUTION - APPROVING A FUNDING AGREEMENT (FORMERLY A REIMBURSEMENT AGREEMENT) BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY RELATING TO THE RELOCATION OF A STORM DRAINAGE BASIN AND INSTALLATION OF RELATED OFF-SITE STORM DRAINAGE IMPROVEMENTS NECESSARY FOR THE CONVEYANCE OF CERTAIN PROPERTY FOR THE DEVELOPMENT OF THE DISTRIBUTION AND OFFICE FACILITY, AND MAKING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445**

City Manager Reid advised the license agreement would not expire until June 30<sup>th</sup> and apologized for giving incorrect information, noted the purpose of the agreement was to allow the Gap to conduct grading work which had now been completed, and urged Council to move forward on the issue in order to close escrow and allow work to continue on the site. Noting the City Manager and Agency Director were recommending Council act on the issue Councilmember Steitz made a motion to move forward and adopt the resolution.

Proceedings were briefly interrupted for the following announcement:

**CLOSED SESSION ANNOUNCEMENT:**

Assistant City Attorney Avila announced in the matter of **Item 11:30 A.M. #2-A**, Council voted to deny the claims of Cheryl Hart, Essie Thompson, Charles Lee, Dennis Lee, Randy Lee, Edgar Anderson, L.C. Thompson and Sharon Anderson.

Proceedings continued on the Gap issue, discussion ensued on the ability to continue the hearing, with Assistant City Attorney Avila advising that would be permissible, whereupon Acting President Bredefeld made a motion to continue. President Boyajian noted Councilmember Steitz had earlier made a motion to adopt the resolution and upon call for a second, the motion was seconded by Councilmember Mathys.

A motion of Councilmember Steitz, seconded by Councilmember Mathys, to adopt the above entitled Resolution approving a funding agreement between the City and the Agency relative to the relocation of a storm drainage basin failed, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Mathys, Steitz                                  |
| Noes   | : | Bredefeld, Perea, Quintero, Ronquillo, Boyajian |
| Absent | : | None  |

Brief discussion ensued on whether to allow public testimony on the Gap issue or hear “Unscheduled Oral Communications” at this time.

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, “Unscheduled Oral Communications” to be heard at this time, by the following vote:

|        |   |                                    |
|--------|---|------------------------------------|
| Ayes   | : | Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | Bredefeld, Mathys, Boyajian        |
| Absent | : | None                               |

#### **UNSCHEDULED ORAL COMMUNICATIONS:**

Speaking in opposition to the Gap issue and/or human rights and/or decent wages and/or to the recent demonstration at Fashion Fair Mall against the Gap were: Lynn Jacobsson, 359 E. Lindbrook Lane; Mark Stout, 706 N. Fulton, who gave a computer presentation of the demonstration; Patrick Young, 5205 E. Washington; Theresia Rogerson, 706 N. Fulton; Gerry Bill, 708 E. Beverly Way; Janet Slagter, 655 W. Vassar; Dallas Blanchard, 2925 N. Jackson, who played a videotape of the demonstration; a woman whose identification was inaudible; Barbara Hunt, 944 “F” Street (**7 - 0**); and Patrick Wall, 995 N. Reed, who questioned if Council had accepted contributions from the Gap.

Brief discussion ensued on a time to continue the hearing to and it was determined staff would set a time and schedule the hearing along with the budget in one week.

Councilmember Steitz stated he had to address the mis-facts and misinformation, emphasized there was no better corporate citizen than the Gap and spoke in support of the contributions and jobs they have brought to the community, spoke in support of the resolution stressing it was a good deal, stated this was more of a contract law issue as Council voted unanimously to move the ponding basin and explained, and commented on the demonstration stating Saipan should be addressed at the federal level and applied to other countries and products as well. Councilmember Ronquillo noted he only wanted to be fair in allowing public comment, and President Boyajian stated Council heard comments the previous week and he was not trying to prohibit speech.

By Council consensus the hearing was continued to June 13<sup>th</sup> at a specific time to be set by staff.

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The joint bodies adjourned at 5:10 p.m. and the City Council reconvened in regular session.

**(1A-22) \* RESOLUTION - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO, CALIFORNIA TAXABLE PENSION OBLIGATION BONDS, REFUNDING SERIES A, B, C AND D OF 2000 (AUCTION RATE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT AND EACH OF THE ATTACHED EXHIBITS, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE CONTACTS OF PURCHASE, A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATING THERETO (CONTINUED FROM EARLIER)**

Councilmember Mathys reiterated the proposed transaction would free up cash flow, stated he did not see a problem with that but his only concern was that debt was being restructured to balance the upcoming budget and free up funds to meet future obligations and should have been portrayed as such, and added he was prepared to support the resolution.

Councilmember Ronquillo stated he had learned from staff the issue was not the refinancing but how the \$4.5 million in savings would be spent, noted the Mayor's FY 2001 budget was spending every penny of the savings on reoccurring programs with only \$1 million for police, questioned what would happen in FY 2002 when another local match for police would be needed, emphasized the next Council and administration would be faced with major budget cuts if everything is spent in FY 2001, and stated he would support the refinancing but not until the Mayor presented a spending plan that did not saddle the next Council and Mayor with a multi-million dollar deficit.

Brief discussion ensued on the remaining issues left on the agenda, the order in which they would be heard, and a determination was made to halt proceedings on the subject issue and move to the Red Light Camera issue (**11:15 a.m.**).

Councilmember Steitz stated he did not understand why a vote was not being taken on Item **1A-22** and made a motion to adopt the resolution, which was seconded by Councilmember Mathys. Councilmember Perea made a motion to table the issue until discussion was reached. Councilmember Steitz expressed concern and called for a vote on the resolution stressing the issue was the spending of the savings which could be dealt with during the budget.

A motion of Councilmember Steitz, seconded by Councilmember Mathys, to adopt the above entitled Resolution failed, by the following vote:

|        |   |                                       |
|--------|---|---------------------------------------|
| Ayes   | : | Mathys, Quintero, Steitz              |
| Noes   | : | Bredefeld, Perea, Ronquillo, Boyajian |
| Absent | : | None                                  |

(\* Reconsidered later in the meeting)

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**(11:15 A.M.) \* APPROVE AGREEMENT BETWEEN THE CITY AND COUNTY RELATING TO FUNDING FOR THE RED LIGHT CAMERA ENFORCEMENT PROJECT - ACTING PRESIDENT BREDEFELD**

Acting President Bredefeld briefly reviewed the background of the issue. Ann Kloose made the presentation clarifying at issue was approving an agreement with the County and that the award of a contract would come later, outlined the successful areas of the negotiations with the County, clarified issues relative to the MOU and revenues to the County, and recommended Council approve Agreement “A” which would then be presented to the County.

Acting President Bredefeld gave a brief summary of the issue and made a motion to approve Agreement “A”, which was seconded and later acted upon.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Councilmember Steitz questioned how Council could approve an agreement when there was no agreement between the City and County, with Acting President Bredefeld clarifying the County first needed to know what the City would accept which would then be presented to the Board. Administrative Services Director Souza clarified Agreement “A” was consistent with direction the Board gave to their staff relative to not being linked to the MOU and explained.

Discussion ensued. Councilmember Mathys commended Acting President Bredefeld for his persistence but stated he felt this was a Big Brother issue and he would not support it. Ms. Kloose responded to questions of Councilmember Ronquillo relative to number of citations issued with Councilmember Ronquillo commenting on the need to change the MOU as Fresno was the only city in California not able to collect revenues from citations. Assistant City Attorney Avila clarified issues relative to appeals for red light citations, red light citations not being within the scope of the 1977 MOU, and the request by the County for the City to act first on the issue. Acting President Bredefeld urged Council’s support reiterating the agreement was consistent with the Board’s direction.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, Agreement “A” relating to funding for the Red Light Camera Enforcement Project hereby approved for submittal to Fresno County, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian |
| Noes   | : | Mathys  |
| Absent | : | None  |

- - - -

**(2:00 P.M. #1) CONTINUED HEARING ON FISCAL YEAR 2001 BUDGET**

**MOTION - Councilmember Quintero:** City Attorney’s Office - *Delete* the one half-time City Attorney position and *add* two Legal Secretary positions

**MOTION - Councilmember Quintero:** Convention and Visitor’s Bureau (CVB) - Retain \$50,000 for special events funding

**MOTION - Councilmember Mathys:** Police Department - Allocate \$10,000 to construct a police substation in Highway City

## **DEPARTMENT OF ADMINISTRATIVE SERVICES**

Director of Administrative Services Souza introduced key staff and gave an overview of the department's budget and goals. Councilmember Steitz left the meeting at 5:45 p.m. and was absent for the remainder of the meeting. Mr. Souza responded to questions of Councilmembers Perea, Ronquillo, Quintero and President Boyajian relative to growth in the department, elimination of the Transaction Counsel position, additional positions proposed, vacant positions, the retirement fund including the last financing of the unfunded liability, investments, and returns, the Internal Auditor position, Central Printing contingency account and Fleet contingency and positions. There was no further discussion.

## **CITY MANAGER - NON-DEPARTMENTAL - CITY COUNCIL - MAYOR'S OFFICE**

Budget Manager Bruney gave a brief overview of the City Manager's Office stating it was status quo except for the BMS division who was proposing additional positions, and along with City Manager Reid responded to questions of Councilmember Perea and questions and concerns and President Boyajian relative how identified savings were being quantified (**8 - 0**), when the budget process began, number of employees who work on the budget, if Council input is received or requested, if the City Manager was required to obtain Council's input, the proposed Internal Auditor positions, and creating revenue streams, with President Boyajian expressing his concern stating he had never talked with anyone personally regarding what he wanted to see in the budget relative to his district's needs.

Speaking to the issue and/or expressing various concerns were: Barbara Hunt, 944 "F" Street, and Gloria Torres, who spoke to concerns with the hiring of an employee in the City Manager/Council Office, with Assistant City Attorney Avila and City Manager Reid responding to questions and concerns.

Mr. Bruney continued and gave a brief overview of Non-Departmental, City Council and Mayor's Office.

**MOTION - Councilmember Mathys/Ronquillo:** Reinstate Council General Fund Infrastructure Budgets

Mr. Bruney responded to questions of Councilmember Ronquillo relative to the proposed Internal Auditor positions.

**MOTION - Councilmember Ronquillo/Boyajian:** Keep BMS Division budget the same as last year

Councilmembers Quintero and Mathys left the meeting at 6:15 and were absent for the remainder of the meeting.

**(1A-22) \* RESOLUTION - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO, CALIFORNIA TAXABLE PENSION OBLIGATION BONDS, REFUNDING SERIES A, B, C AND D OF 2000 (AUCTION RATE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT AND EACH OF THE ATTACHED EXHIBITS, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE CONTACTS OF PURCHASE, A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATING THERETO (CONTINUED FROM EARLIER)**

Councilmember Perea noted Council was assuming action taken earlier on the issue was the same as that directed the past two weeks which was to carry the issue along each week with the budget, with City Manager Reid stating

Council never voted on the issue the last two times.

#### **MOTION TO RECONSIDER ITEM 1A-22**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution brought back for reconsideration, by the following vote:

|        |   |                             |
|--------|---|-----------------------------|
| Ayes   | : | Bredefeld, Perea, Ronquillo |
| Noes   | : | Boyajian                    |
| Absent | : | Mathys, Quintero, Steitz    |

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to schedule the above Resolution on the agenda of June 13, 2000, by the following vote:

|        |   |                             |
|--------|---|-----------------------------|
| Ayes   | : | Bredefeld, Perea, Ronquillo |
| Noes   | : | Boyajian                    |
| Absent | : | Mathys, Quintero, Steitz    |

Councilmember Perea stated relative to balancing the budget he had no problem with refinancing the POB's, stressed the question was how the savings was going to be spent, advised \$1 million of the savings would be supported for the Police Department but the remainder was going into a reserve account, acknowledged there would be a \$3 - \$3.5 million gap in the budget but that was too bad as the City had overextended itself in the past and it was now time to face the issue and "pay the piper" and elaborated, and emphasized Council would not support cutting Fire and Police or neighborhood projects and he expected discussions to occur. President Boyajian concurred with Councilmember Perea and briefly commented on the issue stating if the City Manager and Mayor had worked with Council a budget would have been approved already.

Discussion ensued with Mr. Reid stating (1) research would be needed to determine if the action just taken to reconsider the item was appropriate, and (2) Council would have to make suggestions on where to cut other than saying where *not* to cut. Councilmember Perea stated he was ready to make cuts but needed full staff resources, with Mr. Reid responding. Councilmember Ronquillo expressed his concern stating Council would give direction on the amount to cut and it was staff's job to carry out that direction emphasizing it could be done.

**(9 - 0)** Upon request for clarification by Mr. Avila, Mr. Reid stated he wanted a legal opinion on the action taken to reconsider as the City Clerk had already certified to the Mayor the reconsideration action taken by Council. Mr. Avila clarified action taken by Council was final subject to reconsideration at the same session and added he felt there were better ways to deal with the issue other than him doing the research which he would if so directed. Councilmember Perea concurred with Mr. Avila on the reconsideration stating action taken was legal and explained.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Attorney directed to provide a legal opinion on Council's reconsideration action on Item 1A-22, by the following vote:

|      |   |                                       |
|------|---|---------------------------------------|
| Ayes | : | Bredefeld, Perea, Ronquillo, Boyajian |
|------|---|---------------------------------------|

None : None  
Absent : Mathys, Quintero, Ronquillo

Mr. Reid expanded on and clarified issues relative to how he received the reconsideration certification from the City Clerk, the budget being balanced subject to the POB financing emphasizing he wished Council would approve the resolution now so as not to risk losing the financial benefit regardless of how it will be spent, and funding a reserve.

By Council consensus, the public testimony portion of the budget hearings was closed, and the hearing was continued to June 13<sup>th</sup> at 10:00 a.m. for Council deliberations.

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:47 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Tom Boyajian, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk